



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/584,797	06/01/2000	Guy Nathan	871-82	4971
23117 7590 11/24/2009 NIXON & VANDERHYE, PC 901 NORTH GLEBE ROAD, 11TH FLOOR ARLINGTON, VA 22203				
EXAMINER				
CHOWDHURY, SUMAIYA A				
ART UNIT		PAPER NUMBER		
2421				
MAIL DATE		DELIVERY MODE		
11/24/2009		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

09/584,797

**Applicant(s)**

NATHAN ET AL.

**Examiner**

SUMAIYA A. CHOWDHURY

**Art Unit**

2421

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 06 July 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 22-43 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 22-43 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
- Paper No(s)/Mail Date: \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date: \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Response to Arguments***

1. Applicant's arguments with respect to claims 22-43 have been considered but are moot in view of the new ground(s) of rejection.

(a) Applicant argues that none of the prior art teaches the operating parameters as corresponding to internal functions of the devices as defined in the SPEC. Instead, the Examiner relies on management information in the Martin reference to teach operating parameters.

The claims as presently recited are broad enough to read on the Examiner's interpretation as rejected in the previous Office Action since the Applicant does not explicitly define what the term operating parameters include. However, the Examiner has introduced Miller (5959869) in this Office Action to teach Applicant's operating parameters. The functions performed using the operating parameters as taught in Miller are inclusive of price changing, control parameter alteration, data collection, and error diagnosis routines (col. 10, line 45-col. 11, line 10, col. 12, lines 6-22). These functions all correspond to the internal functions of the reproduction machine.

(b) Applicant further argues that none of the cited references teach the newly added limitation of generating a file of modification commands by the server...commands by the devices concerned.

The Examiner relies on the newly cited reference, Miller, to teach the abovementioned newly added limitation.

(c) The Examiner continues to rely on Martin and Korn in this Office Action to teach wherein information displayed at the remote site comprises a plurality of screens and wherein an operator at a remote site can manage the information of the reproduction devices remotely. The Examiner introduced Miller in this Office Action in order to teach wherein the operating parameters correspond to the internal functions of the reproduction devices. The Examiner introduced McGrane in this Office Action to teach selecting a device from a drop down menu.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 22-24, 25, 27-32, 38-40, and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miller (5959869) in view of McGrane (6496927), Martin and Korn.

As for claim 22, Miller discloses a system for remote management of at least one audio-visual information reproduction device comprising a central server connected to the telecommunication means of each audio-visual information reproduction device, the central server comprising storage means for storing a database comprising, for each

audio-visual information reproduction device, all the management information and all the audio-visual information available, wherein:

the database (storage in remote host computer) comprises all the configurations of operating parameters (price of selections, control parameters, data collection, error diagnosis) of each audio-visual information reproduction device (col. 10, line 45-col. 11, line 10, col. 12, lines 6-22),

at least one first screen for displaying information relating to use of the audio-visual information reproduction devices (col. 10, line 45-col. 11, line 10, col. 13, lines 10-13);

validation of the choice of each selected audio-visual information reproduction device causes the display of a first series of screens allowing the modification, by the operator (remote host computer), of the operating parameters of at least one audio-visual information reproduction device (The remote host computer is capable of modifying operating parameters of the VMC. col. 12, lines 6-22, col. 13, lines 10-13), and

wherein said modification of the operating parameters is obtained by:

generating a file of modification commands by the server using information from the database (col. 10, line 45 - col. 11, line 10)

sending, via the server (remote host computer) to the devices concerned, the file of modification commands when the devices are connected (col. 10, line 45 - col. 11, line 10), and

receiving and executing the file of modification commands by the devices concerned (col. 10, line 45 - col. 11, line 10).

However, Miller fails to disclose:

the "Internet" site is accessible by an operator responsible for managing at least one audio-visual information reproduction device, and comprising a plurality of screens, the central server further comprises an "Internet" site manager communicating with the database;

at least one first screen comprising a drop-down menu displaying a list of the audio-visual information reproduction devices installed locally.

In an analogous art, McGrane discloses at least one first screen comprising a drop-down menu displaying a list of the audio-visual information reproduction devices installed locally (col. 20, lines 49-67).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Miller's invention to include the abovementioned limitation, as taught by McGrane, for the advantage of providing a user friendly interface to allow a user to select a device to execute a function.

However, Miller and McGrane fail to disclose:

the "Internet" site is accessible by an operator responsible for managing at least one audio-visual information reproduction device, and comprising a plurality of screens, the central server further comprises an "Internet" site manager communicating with the database;

In an analogous art, Martin discloses

the "Internet" site is accessible by an operator responsible for managing at least one audio-visual information reproduction device (col. 3, line 65-col. 4, line 3, col. 5, lines 60-65),

the central server further comprises an "Internet" site manager communicating with the database (col. 3, lines 25-30);

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Miller and McGrane's invention to include the abovementioned limitation as taught by Martin, for the advantage of having personnel remotely control and provide instructions to devices located remotely.

However, Miller, McGrane, and Martin fail to disclose wherein the remote site comprises a plurality of screens;

In an analogous art, Korn discloses displaying a series of screens to an authorized operator to allow the operator to manually control/manage a plurality of viewing stations (col. 19, lines 47-65, col. 23, lines 10-43).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Miller, McGrane, and Martin's invention to include the abovementioned limitation, as taught by Korn, for the advantage of allowing the operator to manually control/manage a plurality of viewing stations.

As for claim 23, Korn discloses displaying a third series of screens displaying management information relating to the use of an audio-visual information reproduction device (col. 20, lines 30-55, col. 22, lines 46-65).

Claim 24 contains the limitations of claim 22 and is analyzed as previously discussed with respect to that claim. Claim 24 additionally calls for the following which Martin teaches:

a list of audio-visual information available (Martin; Col. 5, lines 65-Col. 6, lines 21).

Claim 25, as to limitation "characterized in that modification made by the operator in the 1<sup>st</sup> and /or 2<sup>nd</sup> screens are stored in a file and are translated into the language of the database to update the data modified in these series of screens and update each audio visual information reproductions as soon as a communication is set up between the host server and each audiovisual information reproduction device" is inherently met by Martin due to the fact that Martin's audiovisual information reproduction devices 13 interface/interact with the host server 11 and its databases via a well known Open Database Connectivity ("ODBC") interface for translating and interfacing with connected database.



Claim 27 limitation "the screens in the 1<sup>st</sup> and 2<sup>nd</sup> series of screens comprise a toolbar with a plurality of selection buttons that trigger a display of a screen from the 1<sup>st</sup> or 2<sup>nd</sup> series screen, or validate operations performed on the screen being displayed" is further met by Miller, McGrane, Martin in view of Korn's GUI interface (X windows) as discussed in claim 22.

Claim 28, limitation "a 1<sup>st</sup> selection button in the toolbar initiates the display of the 3<sup>rd</sup> screen comprising a 1<sup>st</sup> window displaying information relating to the location of the audiovisual information reproduction device chosen by the operator, and an input area to update the information displayed in the 1<sup>st</sup> windows if required" is further met by Miller, McGrane, Martin in view of Korn's GUI interface as discussed in claim 22 because of the interactivity of events within the windows graphical interface.

Claim 29, limitation "a second selection button in the toolbar triggers the display of 4<sup>th</sup> screen in the 2<sup>nd</sup> series of screens comprising several input areas that will be used to define selection criteria for selecting songs, the list of corresponding songs being initially collected in the database by the site manager sending a request containing the criteria chosen by the operator in the input fields, and secondly displayed in a popup window in the screen" is further met by Miller, McGrane, Martin in view of Korn's GUI interface as discussed in claim 22 because of the interactivity or events within the windows graphical interface.

Claim 30, limitation “validating the choice of a song selected in the window in the 4<sup>th</sup> screen triggers the display of a 5<sup>th</sup> screen comprising a plurality of areas containing elements identifying the selected song, a window displaying the list of audiovisual information reproduction devices managed by the operator, a 1<sup>st</sup> selection area validating the purchase of the selected song for the audiovisual information reproduction devices selected by the operator in the window, by sending a request to the site manager, and a 2<sup>nd</sup> selection area displaying the 4<sup>th</sup> screen again” is further met by Miller, McGrane, Martin in view of Korn’s GUI interface as discussed in claim 22 because of the interactivity or events within the windows graphical interface.

Claim 31, limitation “a 3<sup>rd</sup> selection button on the toolbar triggers the display of a 6<sup>th</sup> screen comprising firstly a number of fields containing information about the use of the audiovisual information reproduction device chosen by the operator, secondly a 1<sup>st</sup> popup window containing the list of songs to be downloaded to the audiovisual information reproduction device chosen by the operator and a second window containing the list of songs to be deleted from this audiovisual information reproduction device, and thirdly a 1<sup>st</sup> selection area triggering cancellation of downloading of at least one song previously selected by the operator in the 1<sup>st</sup> window, and a 2<sup>nd</sup> selection area triggering cancellation of the deletion of at least

one song previously selected by the operator in the 2<sup>nd</sup> window” is further met by Miller, McGrane, Martin in view of Korn’s GUI interface as discussed in claim 22 because of the interactivity or events within the windows graphical interface in which Martin’s updating function performs.

Claim 32, as analyzed in claim 22, Martin in view of Korn, Gordon, and Abecassis further meets claimed limitation “a 4<sup>th</sup> selection button on the toolbar triggers the display of a 7<sup>th</sup> screen comprising several fields, a 1<sup>st</sup> window, a 2<sup>nd</sup> window, the 7<sup>th</sup> screen also contain selection area that triggers deletion of the song (s) selected by the operator in the 2<sup>nd</sup> window” due to Martin’s updating function and the interactivity or events within the windows graphical interface (X windows) disclosed by Korn. Korn discloses “information about statistics on the use of the information reproduction device chosen by the operator, list of most frequently played songs, list of least frequently played songs on the audiovisual reproduction device chosen by the operator” as discussed above in claim 22.

Claim 38, “characterized in that the 2<sup>nd</sup> series of screens includes a screen containing a 1<sup>st</sup> menu in which the song category required by the operator is selected, a 2<sup>nd</sup> menu in which the style of the song required by the operator is selected, and a selection area in which the operator validates his choice to trigger the display of a 2<sup>nd</sup> screen comprising a 1<sup>st</sup> window displaying the list of songs in the

1<sup>st</sup> category and style chosen by the operator, and a second windows displaying the list of songs selected by the operator in the list in the 1<sup>st</sup> window and a selection area in which the operator validates his choice" is further met Miller, McGrane, Martin and Korn's GUI interface (X windows) as discussed in claim 22 because of the interactivity or events, i.e., validate the selection within the windows graphical interface.

Claim 39, Korn discloses "characterized in that the list of displayed songs is collected in the database among the most frequently played song on all the operator's jukeboxes as discussed above in claim 22.

Claim 40 "characterized in that the 2<sup>nd</sup> window also comprises the list of songs already memorized on the audiovisual information reproduction device" is further met by Miller, McGrane, Martin and Korn, as discussed in claim 22, due to Korn's updating function and the interactivity or events within the windows graphical interface in which Martin the list of songs already memorized on the audiovisual information reproduction device.

Claim 42, Martin further discloses that the system comprises a magnetic or optical recording system such that the songs selected by the operator are recorded

on a portable magnetic or optical medium, or a solid state electronic memory, preferably semi-conductor based (see Fig. 1, el. 25, 51).

4. Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Miller, McGrane, Martin and Korn, and further in view of Nichols et al. (US 6138150).

Claim 26, Miller, McGrane, Martin and Korn does not disclose that the network site manager comprises means for authenticating the operator designed to limit the operator's access to the audiovisual information reproduction devices that the operator manages.

Nichols (Col. 5, lines 20-27) discloses that the network site manager comprises means of authentication of the operator designed to limit the operator's access to the audiovisual information reproduction devices that the operator manages. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Miller, McGrane, Martin and Korn to limit access to the system, as taught by Nichols so to enhance security and access right for protecting data.

5. Claim 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miller, McGrane, Martin and Korn and further in view of Kleiman (US 5959945).

Claim 41, "characterized in that the 3<sup>rd</sup> series of screens comprises at least one screen comprising a window" is further met by Miller, McGrane, Martin and Korn as discussed in claim 22, because of the interactivity or events within the windows graphical interface (X windows). As to "indicating the date(s) on which the audiovisual information reproduction device was switched off/ and or on" and "indicating the date(s) on which a communication device and the host server was stopped", they are further met by Korn due to function of the network management protocol that monitor the activities of each node connected to the network. As to "displaying the list of songs played by the audiovisual information reproduction device", they are further met by Korn as discussed above in claim 22

Miller, McGrane, Martin and Korn does not clearly disclose displaying the date on which each song was played;

Kleiman discloses information about statistics on the use of the information reproduction device (Col. 9, lines 40-56 and Col. 10, lines 18-35). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Miller, McGrane, Martin and Korn so the operator could effectively determine music to be downloaded to the corresponding jukebox.

6. Claim 33 is rejected under 35 U.S.C. 103(a) as being unpatentable over Miller, McGrane, Martin and Korn and further in view of Rhoads (US 6311214).

Claim 33, as analyzed in claims 22 and 27, Miller, McGrane, Martin and Korn further meets claimed limitation characterized in that a 5<sup>th</sup> selection button on the toolbar triggers the display of a screen comprising a 1<sup>st</sup> series and a 2<sup>nd</sup> series of input areas that the operator can use to choose.

Miller, McGrane, Martin and Korn does not clearly disclose the operator can use to choose for each price the number of possible selections after paying the price in those input areas.

Rhoads discloses the operator can use to choose for each price the number of possible selections after paying the price, in those input areas (Col. 51, lines 22-46). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Miller, McGrane, Martin and Korn so the operator could have a flexibility to control access of the owned song/music (Col. 51, lines 10-21).

7. Claim 34-37, and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miller, McGrane, Martin and Korn, and further in view of Dobbs et al. (US 5566237).

Claim 34, as discussed in claim 22, limitation "the eighth screen comprises a plurality of input areas used to choose" is met by Miller, McGrane, Martin and Korn, as discussed in claim 22, because of the interactivity or events within the windows graphical interface (X windows).

Miller, McGrane, Martin and Korn, and Rhoads does not disclose parameters required to adjust audio reproduction means of the audiovisual information reproduction device.

Dobbs discloses parameters required to adjust audio reproduction means of the audiovisual information reproduction device (Abstract and Summary). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Miller, McGrane, Martin and Korn, and with Dobbs by including a sound level adjusting method in order to vary the attenuation of the variable volume circuit from the remote site (Col.9, lines 62-Col.10, lines 16).

Claim 35, limitation "characterized in that a 6<sup>th</sup> selection button in the tool bar triggers the display of a 9<sup>th</sup> screen comprising a window displaying all modifications made by the operator at the time of his connection to the network site managed by the site manager, a 1<sup>st</sup> selection area triggering validation of all operations displayed in the 1<sup>st</sup> window and a 2<sup>nd</sup> selection area canceling all these modification" is further met by Miller, McGrane, Martin and Korn as discussed in claim 22, wherein the claimed feature "a 1<sup>st</sup> selection area triggering validation of all operations displayed in the 1<sup>st</sup> window and a 2<sup>nd</sup> selection area canceling all these modification" is inherently/obviously met because for the validation purposes of any editing/modification of data.



Claim 36, "characterized in that a 7<sup>th</sup> selection button triggers the display of a screen comprising at least one selection area that can be used to activate or deactivate a particular function of the audiovisual information reproduction device", is further met by Miller, McGrane, Martin and Korn as discussed in claim 22 because Korn shows various GUIs Box (X windows) that allows user to control the function of the remote host device.

Claim 37, limitation "characterized in that an eighth button in the toolbar triggers the display of a screen that will be used to define a default basic configuration of all or some of the audiovisual information reproduction devices managed by the operator" is further met by Miller, McGrane, Martin and Korn as discussed in claim 22, wherein the claimed feature "a default basic configuration of all or some of the audiovisual information reproduction devices managed" is inherently met because each audiovisual information reproduction device has its own default configuration that is set by either the manufacture or by network administrator during the configuration of each audiovisual information reproduction device that connects to the network.

Claim 43, Martin further discloses songs are recorded on a portable magnetic or optical medium in a compressed format, the songs only being decompressed and when the song is played on an audiovisual information reproduction device.

Miller, McGrane, Martin, Korn, and Dobbs does not disclose recorded song are encrypted and decrypted when the song is played back.

Rhoads discloses that songs are encrypted and recorded on a portable magnetic or optical medium in a compressed format, the songs only being decompressed and decrypted when the song is played on an audiovisual information reproduction device (Col. 44, lines 17-col.45, lines 22). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Miller, McGrane, Martin and Korn, and Dobbs with Rhoads so to prevent unauthorized copy and use of the recorded media.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SUMAIYA A. CHOWDHURY whose telephone number is (571)272-8567. The examiner can normally be reached on Mon-Fri, 9-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/John W. Miller/  
Supervisory Patent Examiner, Art Unit 2421

/Sumaiya A Chowdhury/  
Examiner, Art Unit 2421